

## SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** Johnson Warehouse Rezone

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord

**CONTACT:** Ian Sikonia

**EXT:** 7398

**MOTION/RECOMMENDATION:**

1. Approve the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) on 2.4± acres, located on the west side of the intersection of Kennedy Point and 6th Street, and approve the attached Preliminary Site Plan and Development Order, based on staff's findings, and authorize the Chairman to execute the aforementioned documents; (Jack Reynolds, applicant); or
2. Deny the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) on 2.4± acres, located on the west side of the intersection of Kennedy Point and 6th Street, and authorize the Chairman to execute the Denial Development Order; (Jack Reynolds, applicant); or
3. Continue until a time and date certain.

District 2 Michael McLean

Ian Sikonia

**BACKGROUND:**

The applicant, Jack Reynolds, is requesting a rezone and Small Scale Land Use Amendment in order to develop a 38,500 square foot manufacturing warehouse. The requested rezone will allow all permitted uses in the M-1A zoning district with the allowance of outdoor storage properly screened from view.

The applicant was granted a right-of-way vacation for a portion of 6<sup>th</sup> Street and Avenue C at the May 20, 2008 Board of County Commissioners hearing. This project is located in an area which has a mixture of single-family home subdivisions and industrial uses. The proposed development has been designed to minimize the impacts to the neighborhood to the west and north by establishing significant buffers, orienting the building away from the neighborhood and utilizing some LEED environmental commitments.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on June 4, 2008 and voted 5 to 0 to recommend approval of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) on 2.4± acres, located on the west side of the intersection of Kennedy Point and 6th Street, based on staff findings with the addition of a

condition limiting the hours of operation for this development from 6 AM to 8 PM.

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) on 2.4± acres, located on the west side of the intersection of Kennedy Point and 6th Street, and recommends approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order.

**ATTACHMENTS:**

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Preliminary Site Plan
6. Development Order
7. Land Use Ordinance
8. Rezone Ordinance
9. Justification Statement provided by applicant
10. Denial Development Order
11. June 4, 2008 Planning and Zoning Commission Minutes
12. Right-of-Way Vacate Resolution
13. Owner Authorization Forms
14. Opposition Letter

**Additionally Reviewed By:**

☐ County Attorney Review ( Kathleen Furey-Tran )

<b>Johnson Warehouse Small Scale Land Use Amendment from LDR to PD Rezone from R-1 to PCD</b>		
<b>APPLICANT</b>	Jack Reynolds	
<b>PROPERTY OWNER</b>	Stillwater Properties of Central Florida	
<b>REQUEST</b>	Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and a rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development).	
<b>PROPERTY SIZE</b>	2.4 ± acres	
<b>HEARING DATE (S)</b>	P&Z: June 4, 2008	BCC: July 22, 2008 - August 12, 2008
<b>PARCEL ID</b>	11-21-31-508-1000-0010	
<b>LOCATION</b>	Located on the west side of the intersection of Kennedy Point and 6th Street.	
<b>FUTURE LAND USE</b>	LDR (Low Density Residential)	
<b>ZONING</b>	R-1 (Single-Family Dwelling)	
<b>FILE NUMBER</b>	Z2007-86	
<b>COMMISSION DISTRICT</b>	#2 – McClean	

#### **PROPOSED DEVELOPMENT:**

The applicant is proposing a 38,500 square foot manufacturing warehouse building.

#### **ANALYSIS OVERVIEW:**

##### **ZONING REQUEST**

The applicant, Jack Reynolds is requesting a rezone and small scale land use amendment in order to develop a 38,500 square foot manufacturing warehouse building. The following table depicts the minimum regulations for the current zoning district of R-1 (Single-Family Dwelling) and the requested district of PCD (Planned Commercial Development):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (R-1)</b>	<b>Proposed Zoning (PCD)</b>
Minimum Lot Size	8,400 sq. ft.	N/A
Minimum House Size	700 sq. ft.	N/A
Minimum Width at Building Line	70 feet	N/A
Front Yard Setback	25 feet	25 feet
Side Yard Setback	7.5 feet	100 feet
(Street) Side Yard Setback	25 feet	N/A
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	35 feet

## PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
R-1 (existing)	Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses, Home occupations and home offices, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents, One (1) boat dock and one (1) associated boathouse per lot when accessory and incidental to the principal dwelling.	Any special exception permitted in the R-1A zoning classification, Day nurseries or kindergartens, Guest or tourist homes when located on state or federal highways, Off-street parking facilities, Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this section conflict with the provisions of Section 419.001(3)(c), Florida Statutes (2001), Section 419.001(3)(c) shall govern, Communication towers.	8,400 sq. ft.
PCD (proposed)	Allowable uses shall be those permitted in the M-1A Zoning District; (a) Manufacturing of the following: Garments, Photographic equipment and supplies, Bakery products, Boats, Ceramics, pottery, using electrically fired kilns, Chemical products and processing, Dairy products, Electrical machinery and equipment, Furniture, Glass and glass products, using electrically fired kilns, Pharmaceutical products, Shoes and leather goods, except no leather processing, Brooms and brushes, Candy and confectionery products, Cosmetics and toiletries, except soap, Candles, Jewelry, Optical equipment, Perfume, Precision instruments and machinery, Plastic products, except pyroxylin, Silverware, Spices and spice packing, Stationery, Toys, Electronic equipment and assembling, Beverage bottling and distribution, Cold storage and frozen-food lockers, Data proceeding services, Laundry and dry cleaning, except only nonflammable solvents shall be used. (Class IV National Fire Protective Association Code.), Living quarters for guards, custodians, and caretakers when such facilities are accessory uses to the primary use of the premises, Machine shops using only electrically fired forges, Assembling of metal, plastic, or cardboard containers, Post offices, Printing, bookbinding, lithographic platemaking, engraving, and publishing plants, General business and professional offices, Radio and television studios and offices, Restaurants, Signs, identification, directional, or which advertise products manufactured, processed, stored, or sold on the premises, Technical and trade schools, Testing of materials, equipment, and products, Truck terminals, Warehouses and storage buildings, providing no storage is done outside an enclosed structure, Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints, Medical clinics - out-patient service only, Public and private utility plants, stations and distribution office; provided, however, no sewer plant shall be located closer than two hundred (200) feet to the perimeter of the district nor shall any other utility plant, station, or distribution office be located closer than one hundred (100) feet to the perimeter of the district, Cabinetry and woodworking shops, Communication towers when camouflage in design, Communication towers when monopole in design if the tower is under one hundred forty (140) feet in height, Retail sales if ancillary to a use permitted by this section. For purposes of this subsection, "ancillary" shall mean supplementary, or secondary, not of primary importance.	All Special Exceptions in the M-1A district are prohibited.	N/A



## **COMPATIBILITY WITH SURROUNDING PROPERTIES**

The area on the south side of CR 426 is a mixture of single-family residential homes and developed and vacant industrial sites. The industrial zoning to the east of this site was approved in 1989 and has developed into the Off Broadway Industrial Park. The subject property is a transitional parcel between the Low Density Residential FLU to the north and west and the Industrial FLU to the east. Due to the location of the property, it is unlikely that it would be viable for residential development. It is sometimes, difficult for industrial sites to be compatible with surrounding single family subdivisions due to the intensity of the development; however it is possible with sensitive site design standards. The applicant is proposing numerous enhancements to mitigate the impact of the development, such as establishing significant buffers with additional landscaping, orienting the building away from the residential neighborhood and utilizing some LEED environmental commitments. All mechanical equipment will also be confined to the east side of the building.

The applicant has positioned the warehouse building so that it faces the existing industrial park and the only access is through the existing industrial park entrance road. The building will be buffered from the single-family neighborhood by a minimum 25' buffer containing four canopy trees and eight understory trees per 100 linear feet and a large retention pond to the north. The west side of the building will remain passive and the 25' buffer will include a 6-foot tall PVC fence with eight canopy trees per 100 linear feet. The development is also providing some environmental commitments such as parking spaces for hybrid cars, energy efficient mechanical equipment with the highest SEER rating, building insulation will have maximum R-value, all glazing will be tinted, and a bike rack.

This site will create an additional employment center for an area which has been established as an industrial park. The proposed use of this site allows for a mixture of compatible low density residential and non residential uses in the area. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area.

## **CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:**

### **FLU Element Plan Amendment Review Criteria:**

The Future Land Use Element in the Comprehensive Plan lays out certain criteria that proposed future land use amendments must be evaluated. Because this is a small area Future Land Use amendment with localized impacts, an individual site compatibility analysis is required utilizing the following criteria:

**A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.**

### **Staff Evaluation**

The subject property is located in an area which is comprised of single-family homes and low intensity industrial developments. This area has had industrial zoning and land use for approximately 20 years which has developed into an industrial park. Staff finds that the

character of the area has changed enough to warrant a land use change from Low Density Residential to Planned Development.

**B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.**

**C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.**

**D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).**

#### **Staff Evaluation**

The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed.

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering.

The subject property is not located within any special or overlay district.

**E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.**

#### **Staff Evaluation**

The proposed PCD would be an appropriate transition between the less intensive Low Density Residential FLU designations to the south, west, and north of the property. The applicant is proposing all appropriate buffering standards and some LEED environmental commitments on site.

**F. Whether the proposed use furthers the public interest by providing:**

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

## **Staff Evaluation**

The applicant's development plan is not proposing or considering any of the above stated elements which would further the public interest, however they are utilizing some green design standards, which provide a public benefit.

## **G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.**

The following are other applicable Vision 2020 Policies, Exhibits, and staff's evaluation:

### **Policy FLU 2.5: Transitional Land Uses**

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. *Exhibit FLU: Appropriate Transitional Land Uses* is to be used in determining appropriate transitional uses.

## **Staff Evaluation**

*Exhibit FLU 2: Appropriate Transitional Land Uses* in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is a transitional parcel between lower density residential development to the north and west and higher intensity industrial development to the east. The proposed Planned Development FLU designation and the PCD Preliminary Site Plan and associated Development Order provides for sensitive site design as required by the Comprehensive Plan.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map with an effective date of 2007 there appears to be no floodplains on the subject property.

#### *Drainage:*

The proposed project is located within the Lake Jesup Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to not exceed the predevelopment rate of discharge for the 25-year, 24-hour storm event.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

### *Endangered and Threatened Wildlife:*

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

### **PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

<b>Public Facility</b>	<b>Existing Future Land Use (LDR)*</b>	<b>Proposed Land Use (PD) Calculated as General Office**</b>	<b>Net Impact</b>
Water (GPD)	7,000	9,240	+2,240
Sewer (GPD)	6,000	6,930	+930
Traffic (ADT)	191	242	+51

\* LDR calculated as 20 single family detached homes.

\*\*PD calculated as 38,500 S.F. of light industrial

### *Utilities:*

The site is located in the Seminole County water utility service area, and will be required to connect to water service. There is a 10-inch water main on the west side of 6<sup>th</sup> Street. The applicant is proposing to utilize a septic system for sewer.

### *Transportation / Traffic:*

The property proposes access onto 6<sup>th</sup> Street which is classified as a local road and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

### *Drainage*

The proposed project is located within the Howell Creek Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to meet the 25-year, 24-hour pre-development peak rate of discharge.

### *Public Safety:*

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #44, which is located on Central Avenue. Based on an

average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

*Buffers and Sidewalks:*

There is an existing 5-foot sidewalk along 6<sup>th</sup> Street.

The applicant is requesting a waiver from the standards of the Active/Passive Buffer Setback Design Standards per Section 30.1232 of the Land Development Code for the north, south, and west buffers. The proposed Preliminary Site Plan has a 6' PVC fence in lieu of the wall on the west side, a 3' berm in lieu of the wall on the north side and 6' tall PVC fence on the south side enclosing the outdoor storage area. The applicant is proposing additional landscaping in place of the wall on all sides.

The Active/Passive requirements of the Land Development Code for light industrial uses are as follows:

<b>Passive Setback</b>	<b>Passive Buffer</b>	<b>Active Setback</b>	<b>Active Buffer</b>
25'	15' containing a 6' masonry wall and 4 canopy trees per 100 linear feet	100'	25' containing a 6' masonry wall and 8 canopy trees per 100 linear feet

The following proposed setbacks and buffers are contained in the attached Development Order:

West: 40' building setback with a 25' buffer (west side is limited to passive uses)  
North: 100' building setback with a 25' buffer for passive uses and a 35' buffer for active uses  
South: 40' setback with a 25' buffer  
East: 10' with no buffer required

The following are the proposed landscape requirements:

West: 8 canopy trees per 100 linear feet and a 6' tall PVC fence.  
North: 4 canopy trees and 8 understory trees per 100 linear feet with a 30" hedge on a 3' tall berm that will grow to a minimum of 6' after one year with 100% opacity.  
South: 8 canopy trees per 100 linear feet and a 6' PVC fence enclosing the outdoor storage area

The owner of the adjacent property to the south has submitted a letter stating that they have no objection to the waiver request. Staff finds that the proposed buffers are consistent with the intent of the active/passive buffering standards and will provide sufficient buffering for the residential neighborhood to the north and west.

## **APPLICABLE POLICIES:**

### **Fiscal Impact Analysis**

This project does not warrant the running of the County Fiscal Impact Analysis Model.

### **Special Districts**

The subject property is located within any special district or overlay.

### **Comprehensive Plan (Vision 2020)**

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

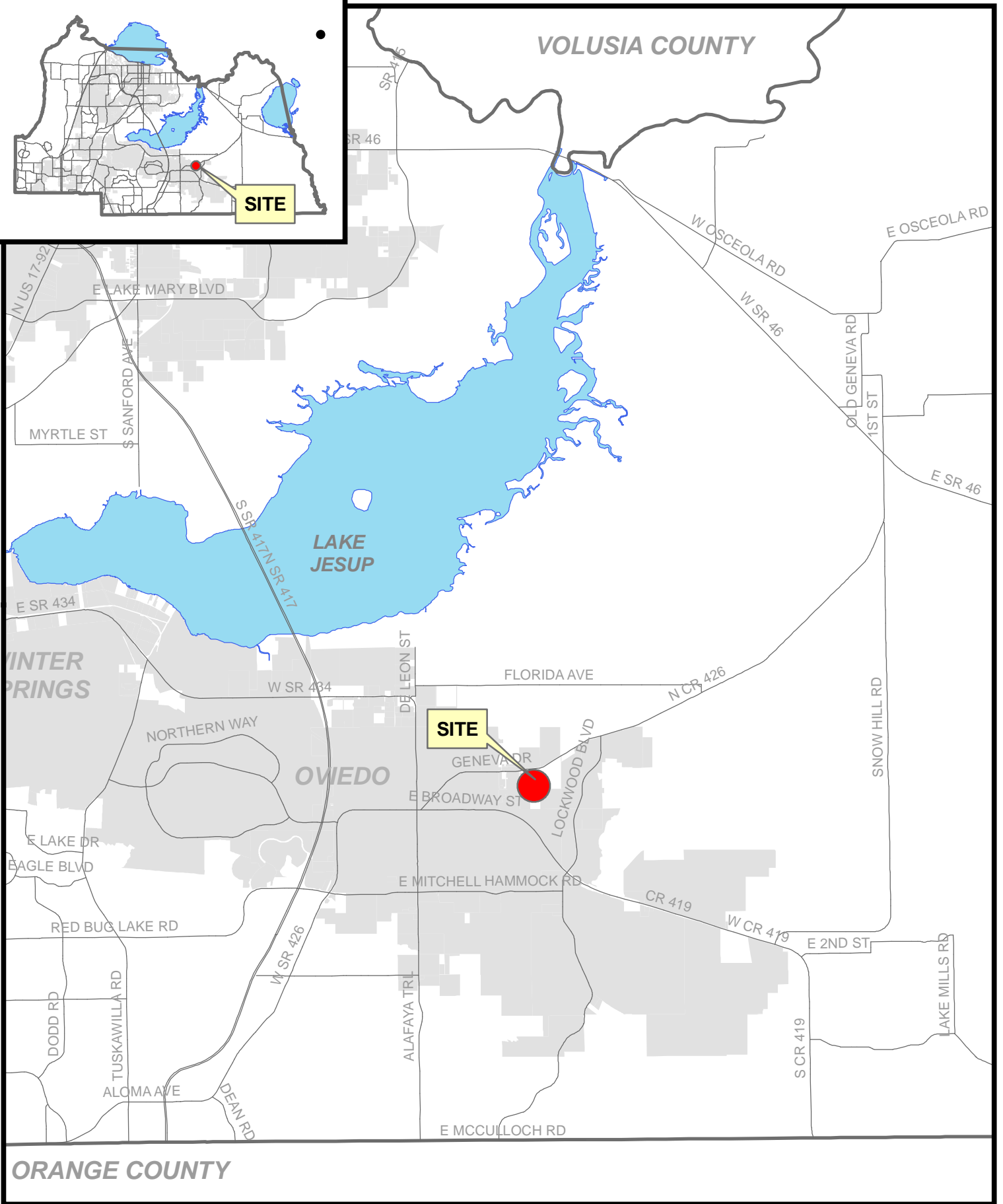
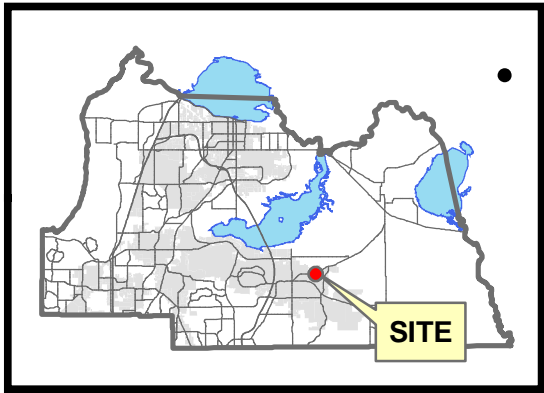
Policy FLU	2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
Policy POT	4.5: Potable Water Connection
Policy PUB	2.1: Public Safety Level-of-Service

## **INTERGOVERNMENTAL NOTIFICATION:**

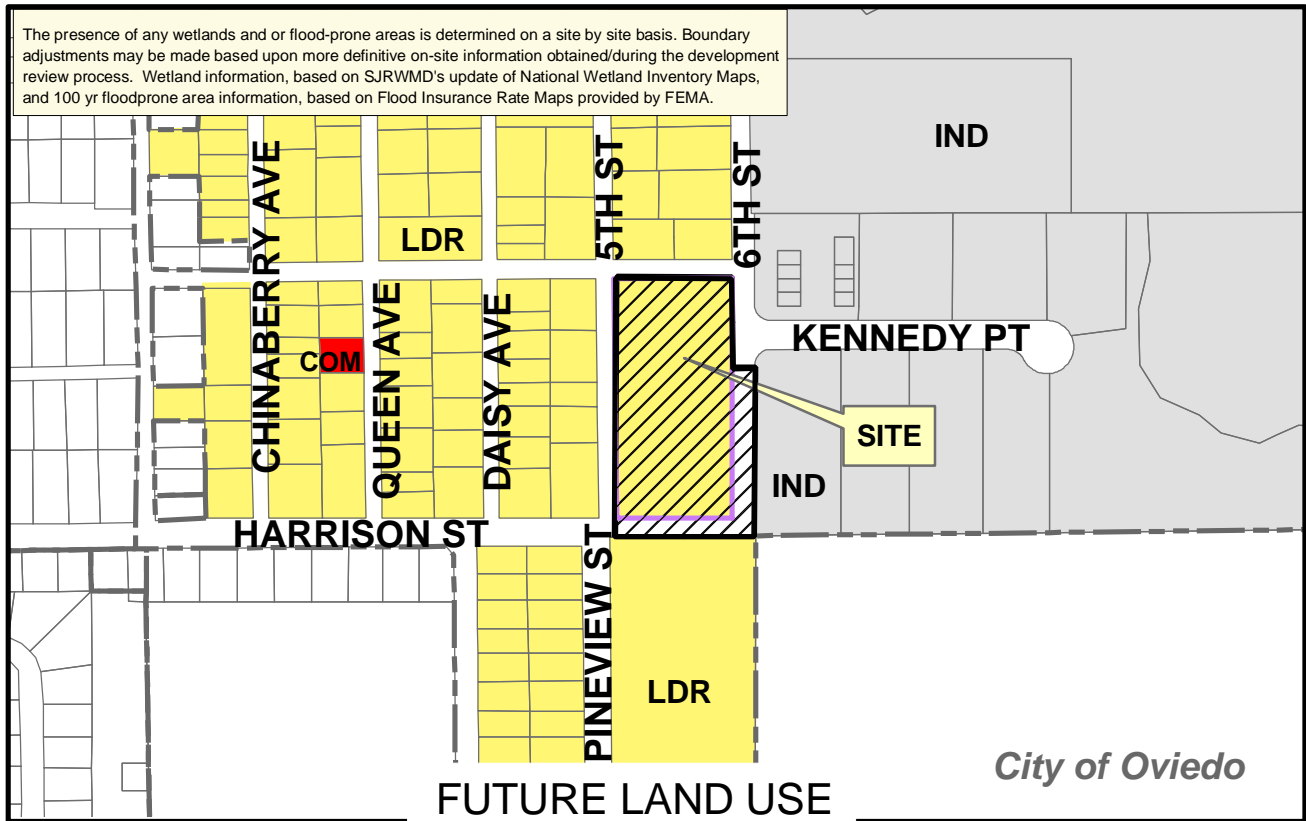
An intergovernmental notice was sent to the City of Oviedo on May 13, 2008.

## **LETTERS OF SUPPORT OR OPPOSITION:**

Staff has received one letter in opposition which is attached to this agenda item.



The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



LDR
  COM
  IND
  Site
  CONS
  Municipality

Applicant: Jack Reynolds

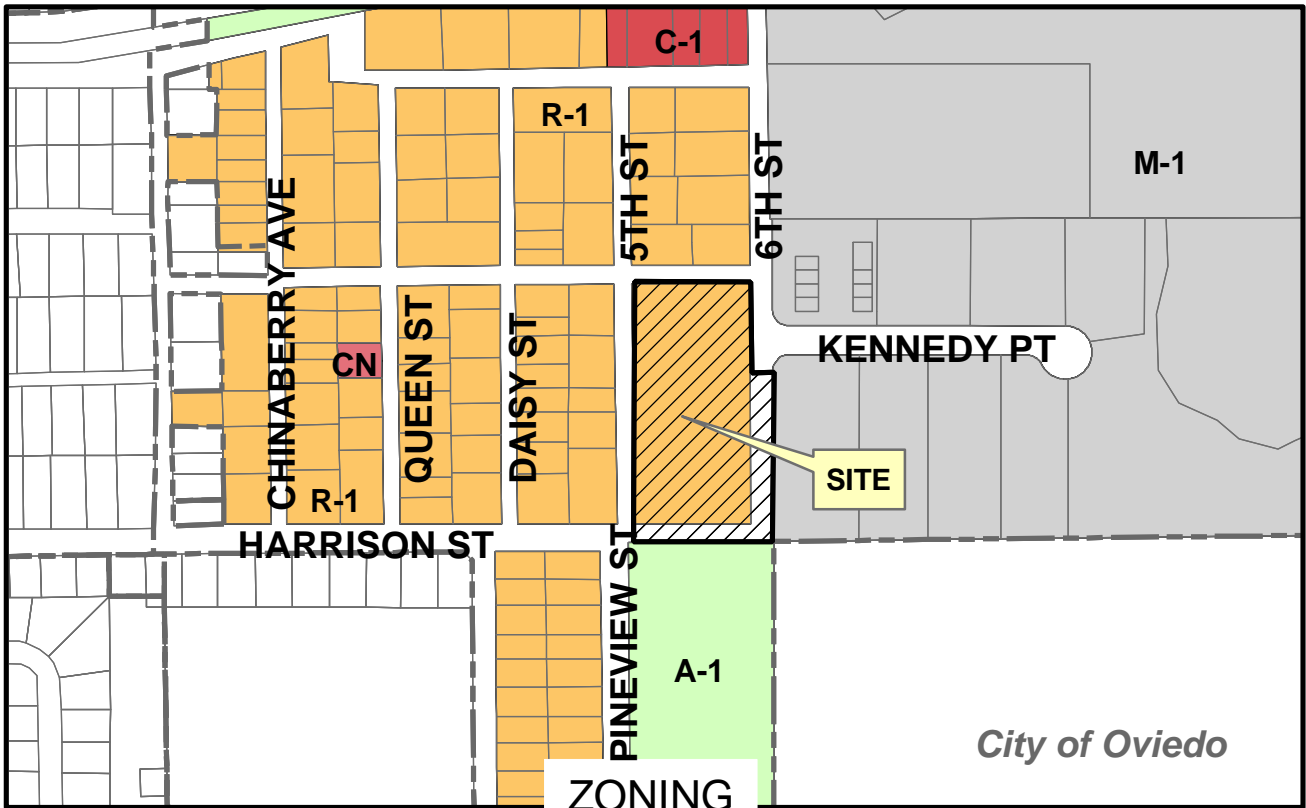
Physical STR: 11-21-31-508-1000-0010

Gross Acres: 2.442 +/- BCC District: 2

Existing Use:

Special Notes:

	Amend/ Rezone#	From	To
FLU	03-08SS.01	LDR	IND
Zoning	Z2007-086	R-1	PCD



A-1
  R-1
  C-1
  CN
  M-1
  FP-1
  W-1





FLU No: 03-08SS.01  
From: LDR To: PD

Rezone No: Z2007-086  
From: R-1 To: PCD



Parcel



Subject Property



Winter 2006 Color Aerials



# JOHNSON WAREHOUSE

## PCD MASTER SITE PLAN

SIXTH STREET  
OVIEDO, FLORIDA

## UTILITY COMPANIES

SEPTIC SANDARY SYSTEM  
(SEANOLE CO. HEALTH DEPT.)

SEANOLE COUNTY

PROGRESS ENERGY

SPRINT TELEPHONE CO.

BRIGHT HOUSE

**PROPOSED USE**  
**OFFICE/WAREHOUSE**

# PROJECT DIRECTORY

APPLICANT:	CHRIS JOHNSON 1701 KENNEDY POINT OMEDO, FLORIDA 32765 TELEPHONE (407) 971-7804 FAX (407) 971-8403
ENGINEER:	TOM H. SKELTON, P.E. AMERICAN CIVIL ENGINEERING CO., 207 N. MOSS ROAD, SUITE 211 WINTER SPINGS, FLORIDA 32708 TELEPHONE (407) 327-7700 FAX (407) 327-0227
SURVEYOR:	GARY R. ROCHE, PLS BOWYER-SINGLETON 520 SOUTH MAGNOLIA AVE. ORLANDO, FLORIDA TELEPHONE (407) 843-5120 FAX (407) 649-8684

## LOCATION MAP

## DESCRIPTION

**SECTION 11, TOWNSHIP 21 SOUTH, RANGE 31 EAST  
SEMINOLE COUNTY, FLORIDA**

(PER ORB 4291, PG 89, PUBLIC RECORDS OF SEMINOLE COUNTY,  
FLORIDA)

LOT 1-20, INCLUSIVE, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 23, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CONTAINING 2.442 ACRES, MORE OR LESS.

**NOTE TO CONTRACTOR**

CONTRACTOR SHALL PAY FOR AND OBTAIN A SEABOARD COUNTY RIGHT-OF-WAY PERMIT AND HOLD A PRE-CONSTRUCTION CONFERENCE BEFORE STARTING WORK. CONTACT SEABOARD COUNTY ENGINEERING, CPA, 407-686-7409 FOR INFORMATION ON SETTING YOUR PRE-CONSTRUCTION MEETING, ISSUANCE OF COUNTY PERMITS AND OTHER REQUIREMENTS.

# INDEX OF SHEETS

[illegible]

PLANS ISSUED FOR:	DATE



**AMERICAN CIVIL  
ENGINEERING CO.**

**(b)(7)-(D)**

1

PROPERTY I.D. # 11-21-31-508-1000-0010



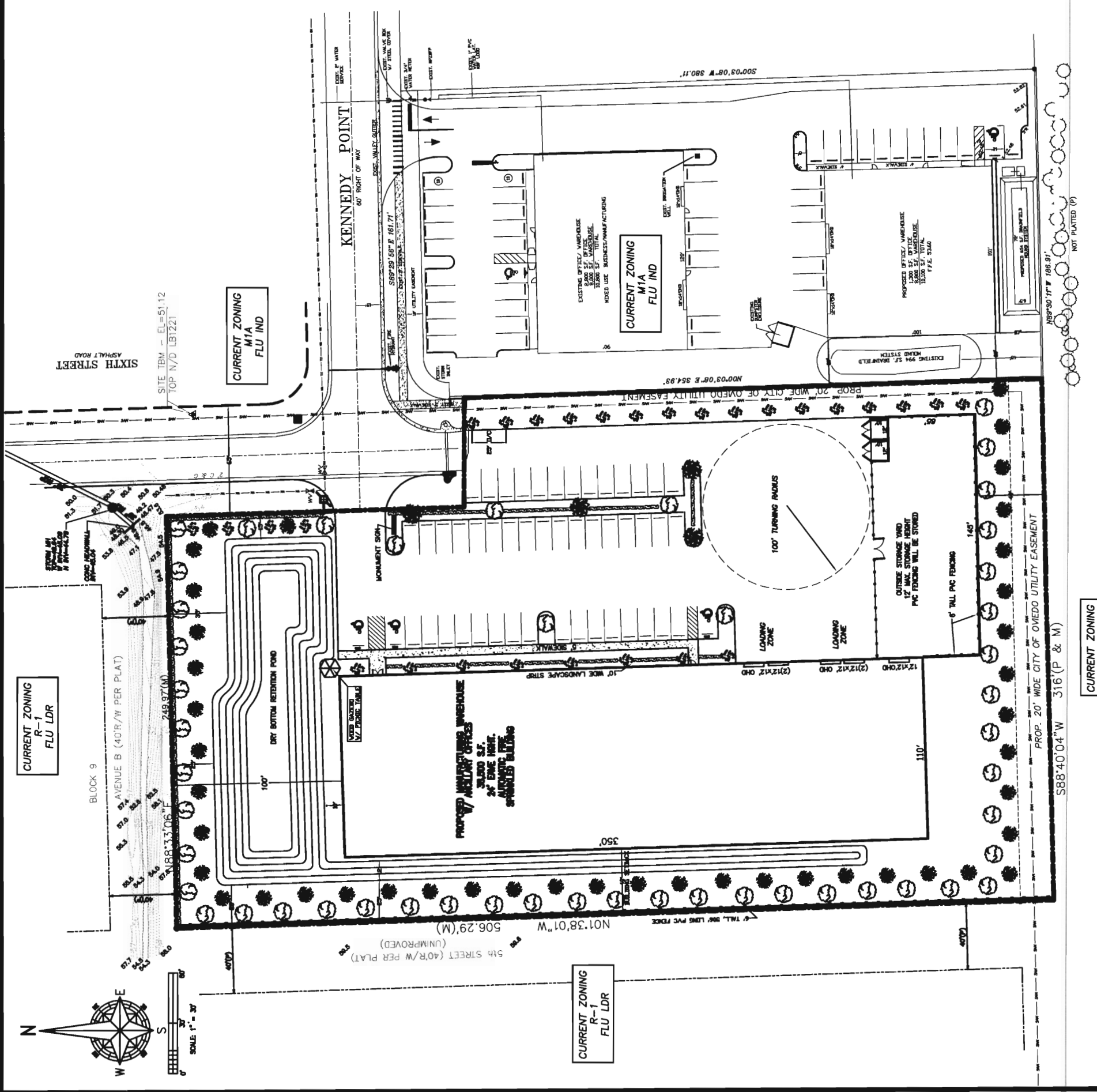


DATE	REVISIONS	REVISED	CHECKED	PROJECT NO.
				CADD FILE
				CADD FILE TITLE
				CHECKED BY
				DATE
				DESIGNED
				SCALE
				DATE IN SET

5' HIGH AT PLANTING, 6' SPREAD  
MULTI-TRUNK  
8 UNDERSTORY TREES PER 100 L<sup>2</sup> ALONG PROPERTY LINES ADJACENT TO RESIDENTIAL

(150) SHEET NEPALIUM HEDGE (30" HGT. PLANTED AT 30" O/C.)  
TO GROW TO 30" W/O ONE YEAR (NEED WATER USE)

Approved: \_\_\_\_\_  
Seminole County Development Review Department  
Date \_\_\_\_\_



**SEMINOLE COUNTY APPROVAL DEVELOPMENT  
ORDER**

On August 12, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** Stillwater Properties of Central Florida  
Michael Sergi  
1320 Old Mims Rd.  
Geneva, FL 32732

**Project Name:** Johnson Warehouse

**Requested Development Approval:**

Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:  
Ian Sikonia, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the Preliminary Site Plan attached as Exhibit B.
- b. The allowable permitted uses for this site shall be in accordance with the M-1A zoning district and outdoor storage. All special exception uses shall be prohibited on site.
- c. Maximum allowable building height shall be 35 feet.
- d. The maximum allowable building square footage shall be limited to 38,500 square feet.
- e. Building setbacks and buffer widths shall be as follows:

West:	40' building setback with a 25' buffer (west side of building is limited to passive uses)
North:	100' building setback with a 25' buffer for passive uses and a 35' buffer for active uses
South:	40' setback with a 25' buffer
East:	10' with no buffer required

- h. The following landscaping shall be placed in the buffers;
  - West: 8 canopy trees per 100 linear feet and a 6' tall PVC fence
  - North: 8 understory trees per 100 linear feet
  - South: 8 canopy trees per 100 linear feet and a 6' PVC fence enclosing the outdoor storage area
- i. 3 Parking spaces shall be reserved for hybrid cars as depicted on the Preliminary Site Plan attached as Exhibit B.
- j. The site shall be irrigated with reclaim water when available; otherwise a shallow well will be utilized.
- k. The site shall utilize energy efficient mechanical equipment with the highest SEER rating will be used.
- l. The site shall use insulation that will have a maximum R-value.
- m. This site development plan shall include such amenities as a wood gazebo with picnic table and a bicycle rack as depicted on the Preliminary Site Plan attached as Exhibit B. These open space amenities can be substituted at time of Final Master Plan for equivalent amenities if determined appropriate by the Planning Manager.

- n. An exclusive 20' utility easement will be granted to the City of Oviedo prior to the submittal of the final master plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Brenda Carey  
Chairman, Board of County Commissioners



**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Stillwater Properties of Central Florida, Michael Sergi, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Michael Sergi, Authorized Agent

\_\_\_\_\_  
Witness

STATE OF FLORIDA     )

)

COUNTY OF SEMINOLE )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Michael Sergi who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A****LEGAL DESCRIPTION**

LOT 1-20, INCLUSIVE, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 23, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

AND

**VACATING A PORTION OF 6TH STREET**

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, BOTH IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 20, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN SOUTH ALONG THE EAST LINE OF LOTS 11 THROUGH 20, BLOCK 10 OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 11, BLOCK 10, TO A POINT ON THE SOUTH RIGHT OF WAY LINE AVENUE C OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS; THENCE EAST ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID AVENUE C TO THE SOUTHWEST CORNER OF LOT 5, OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 347.14 FEET; THENCE WEST, PERPENDICULAR TO THE WEST LINE OF SAID LOT 5 TO A POINT ON THE PLATTED EAST RIGHT OF WAY LINE OF 6TH STREET OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, SAID POINT LYING 40.00 EAST OF THE WEST LINE OF SAID LOTS 11 THROUGH 20, BLOCK 10; THENCE RUN NORTH, ALONG A LINE 40.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID LOTS 11 THROUGH 20, BLOCK 10, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 20, BLOCK 10; THENCE WEST, ALONG SAID EASTERLY EXTENSION TO THE POINT OF BEGINNING.

AND

**VACATING A PORTION OF HARRISON STREET**

ALL THAT PORTION OF AVENUE C, LYING SOUTH OF AND CONTIGUOUS TO LOTS 10 AND 11, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

**EXHIBIT B**

(See Attached Pages)

# JOHNSON WAREHOUSE

## PCD MASTER SITE PLAN

SIXTH STREET  
OVIEDO, FLORIDA

### UTILITY COMPANIES

**SEWER SERVICE:** WASTE WATER BOARD  
(SEMI-ANNUAL CO. HOURS 10:00 AM)

**WATER DISTRIBUTION:** SEMINOLE COUNTY

**ELECTRICAL POWER:** FLORIDA POWER & LIGHT CO.

**TELEPHONE:** SOUTHERN BELL TELEPHONE CO.

**CABLE:** BROADBAND

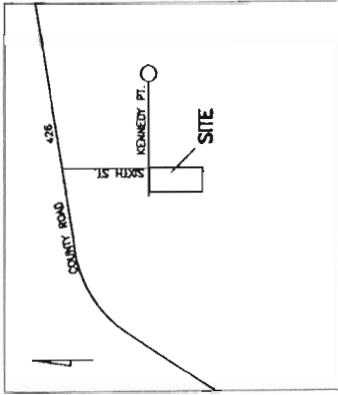
**PROPOSED USE:**  
OFFICE/WAREHOUSE

### PROJECT DIRECTORY

**APPLICANT:** JOSE JOHNSON  
11111 W. 11TH AVE.  
SUITE 100  
OVIEDO, FLORIDA 32765  
TELEPHONE (407) 871-7804  
FAX (407) 871-9403

**ENGINEER:** TOM H. SKELTON, P.E.  
AMERICAN CIVIL ENGINEERS CO.  
11111 W. 11TH AVE.  
SUITE 100  
OVIEDO, FLORIDA 32765  
TELEPHONE (407) 327-7700  
FAX (407) 327-0227

**SURVEYOR:** GARY B. BOONE, P.S.  
BOYER-BOONE  
320 SOUTH MANALAY AVE.  
SUITE 100  
OVIEDO, FLORIDA 32765  
TELEPHONE (407) 843-8120  
FAX (407) 843-8844



LOCATION MAP

### DESCRIPTION

**SECTION 11, TOWNSHIP 21 SOUTH, RANGE 31 EAST**  
**SEMINOLE COUNTY, FLORIDA**

(REF. ORB 4291, PG. 89, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA)

LOT 1-20, INCLUSIVE, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 23, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CONTAINING 2.442 ACRES, MORE OR LESS.

### NOTES TO CONTRACTOR

CONTRACTOR SHALL PAY FOR AND OBTAIN A SEMINOLE COUNTY MAP-JOB-NEW PLAT AND HOLD A PRE-CONSTRUCTION CONFERENCE WITH THE COUNTY ENGINEER AND THE SEMINOLE COUNTY ENGINEER'S OFFICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND OTHER REQUIREMENTS.

PROPERTY I.D. # 11-21-31-508-1000-0010

PERMIT STATUS

DATE ISSUED

### INDEX OF SHEETS

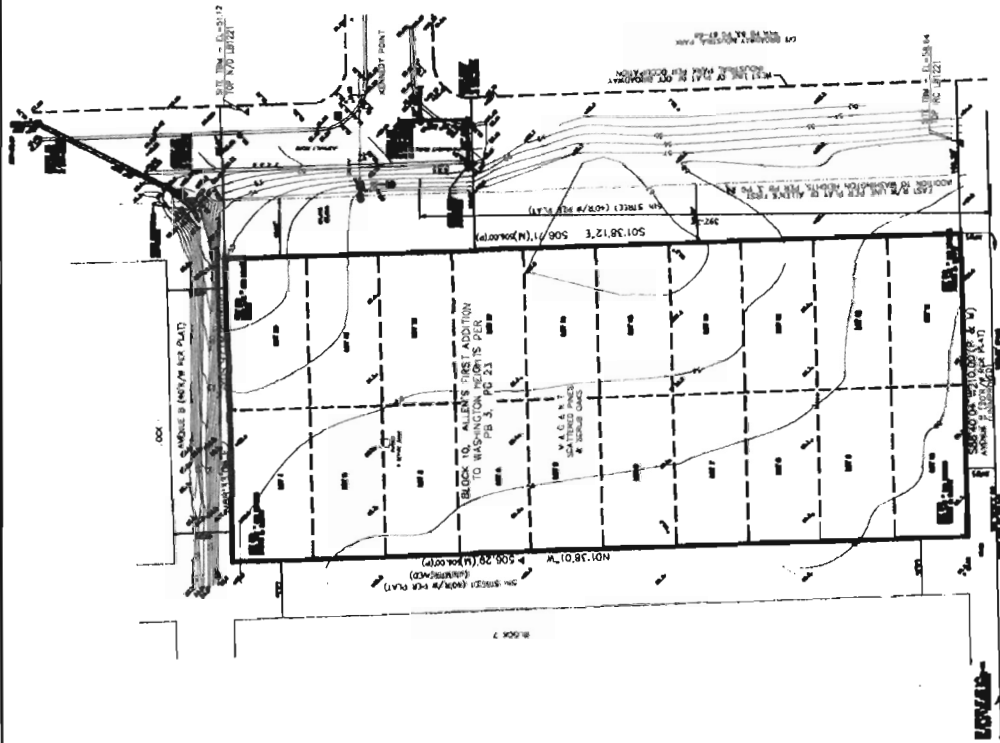
SHEET	DESCRIPTION
1	COVER SHEET
2	BOUNDARY & TOPO SURVEY
3	MASTER PCD SITE PLAN

PLANS ISSUED FOR: DATE

**AMERICAN CIVIL ENGINEERING CO.**  
11111 W. 11TH AVE., SUITE 100  
OVIEDO, FLORIDA 32765  
TEL. (407) 327-7700  
FAX (407) 327-0227

# LEGAL DESCRIPTION

FOR THE CITY OF JACKSONVILLE, FLORIDA, PUBLIC RECORDS OF JACKSONVILLE COUNTY, FLORIDA.  
 LOT 1-28, INCLUDING BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS PER PLAT HEREBY RECORDED IN PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF JACKSONVILLE COUNTY, FLORIDA.  
 CONTAINING 2.442 ACRES MORE OR LESS.



## REMARKS

1. BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS PER PLAT HEREBY RECORDED IN PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF JACKSONVILLE COUNTY, FLORIDA, IS BEING HEREBY RECORDED AS A PART OF THE PUBLIC RECORDS OF JACKSONVILLE COUNTY, FLORIDA.
2. ACCORDING TO FEDERAL BUREAU OF INVESTIGATION (FBI) RECORDS, THE PROPERTY DESCRIBED HEREIN WAS ACQUIRED BY THE JACKSONVILLE INDUSTRIAL PARK AUTHORITY (JIPA) IN 1967. THE PROPERTY DESCRIBED HEREIN WAS ACQUIRED BY THE JACKSONVILLE INDUSTRIAL PARK AUTHORITY (JIPA) IN 1967. THE PROPERTY DESCRIBED HEREIN WAS ACQUIRED BY THE JACKSONVILLE INDUSTRIAL PARK AUTHORITY (JIPA) IN 1967.
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## REMARKS CONTINUED

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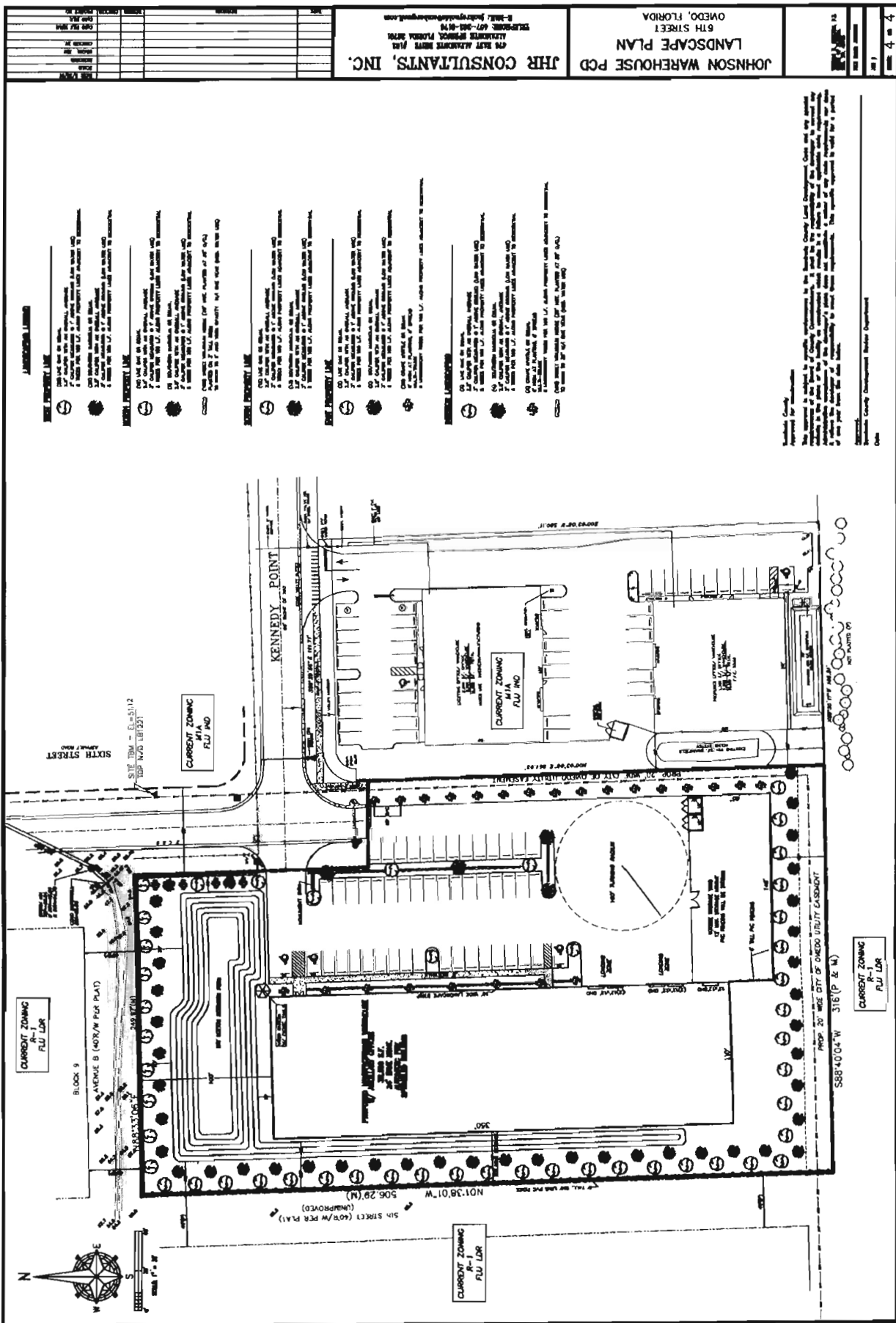
**BOWYER-SINGLETON & ASSOCIATES, INCORPORATED**  
 1000 N. W. 10th Ave., Suite 1000  
 Fort Lauderdale, FL 33304  
 Phone: (305) 555-1234  
 Fax: (305) 555-1235

BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, PER PB 3, PG 23 Lying in Section 11, Township 21 South, Range 31 East, JACKSONVILLE COUNTY, FLORIDA.

PLAT OF BOUNDARY & TOPOGRAPHIC SURVEY FOR - SUPERIOR FENCE AND RAIL

PROJECT NO. 2 OF 2  
 SCALE 1" = 40'  
 DATE 10/1/00  
 DRAWN BY J. BOWYER  
 CHECKED BY J. SINGLETON  
 APPROVED BY J. BOWYER





NO.	DESCRIPTION	DATE	BY	CHKD.
1	PREPARED BY JHR CONSULTANTS, INC.	10/1/00	JHR	JHR
2	REVISIONS			
3	DATE			
4	BY			
5	CHKD.			
6	DATE			
7	BY			
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**JOHNSON WAREHOUSE PCD**  
**LANDSCAPE PLAN**  
 6TH STREET  
 OMEGA, FLORIDA

**JHR CONSULTANTS, INC.**  
 6TH STREET  
 OMEGA, FLORIDA  
 TEL: 407-461-1111  
 FAX: 407-461-1112  
 E-MAIL: jhr@jhrconsultants.com

**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
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**AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LOW DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on June 4, 2008, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and



WHEREAS, the Board of County Commissioners held a Public Hearing on August 12, 2008, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE  
LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

(b) The associated rezoning request was completed by means of Ordinance Number 08-\_\_\_\_\_.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

(d) Future Land Use Amendment:

Ord. Exh.	Name	Amendment Number	Land Use Change From – To	LPA Hearing Date	BCC Hearing Dates
A	Johnson Warehouse Small Scale Land Use Amendment & Rezone	03-08SS.01	Low Density Residential (LDR) to Planned Development (PD) containing a maximum of 38,500 square feet of industrial use	6/04/08	7/22/08 08/12/08

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County

Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final

**ORDINANCE NO.**

**SEMINOLE COUNTY, FLORIDA**

Z2007-86

order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 12th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Brenda Carey  
Chairman

## APPENDIX A

### LEGAL DESCRIPTION

LOT 1-20, INCLUSIVE, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 23, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

AND

#### **VACATING A PORTION OF 6TH STREET**

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, BOTH IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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AND

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ORDINANCE NO.

SEMINOLE COUNTY, FLORIDA  
Z2007-86

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1 (SINGLE-FAMILY DWELLING) THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Johnson Warehouse."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development):

**SEE ATTACHED EXHIBIT A**

**Section 3. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Department and recording of Development Order 07-22000014.

ENACTED this 12th day of August 2008.  
BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Brenda Carey  
Chairman

## **EXHIBIT A LEGAL DESCRIPTION**

### **LEGAL DESCRIPTION**

LOT 1-20, INCLUSIVE, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 23, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

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# **SMALL-SCALE FUTURE LAND USE AMENDMENT & REZONING AMENDMENT JUSTIFICATION STATEMENT**

## **Johnson Warehouse PD Land Use and PCD Rezone**

Parcel ID Number: 11-21-31-508-1000-0010

### **INTRODUCTION**

This application is for a small-scale future land use map amendment (SSFLUA) and associated rezoning amendments to respectively change the future land use (FLU) designation of the 3.48-acre subject property from Low Density Residential (LDR) to Planned Development (PD), and to rezone the property from R-1 to PCD, said PCD allowing, as provide for on the accompanying Master PCD Plan, those uses permitted by the very light industrial district (M1-A) and outside storage. With the following Project Justification Narrative, we submit the request is consistent with the Seminole County Vision 2020 Comprehensive Plan and compatible with the surrounding development patterns.

### **PROPERTY AND SURROUNDING LAND USE DESCRIPTION**

**Table 1  
Surrounding FLU & Zoning**

Direction	Future Land Use	Zoning	Existing Land Use
North	LDR	R-1	Avenue B (drainage ditch), vacant & SFR
South	LDR	A-1	closed construction landfill (ditch and pond)
East	IND	M-1	vacant and industrial buildings
West	LDR	R-1	5th Street (unimproved), vacant and SFR

Avenue B is a 40' wide unimproved right of way adjacent to the north of the property. It is currently used by Seminole County as a drainage ditch. Harrison Street is a vacated unimproved ½ width 20' right of way adjacent to the south of the property. It is unimproved with the exception of a City of Oviedo sewer line. 5<sup>th</sup> Street, as designated on the plat, is more commonly known as Sugar Sand Lane. The portion of this 40' wide right of way adjacent to the west of the property are unimproved. 6<sup>th</sup> Street, adjacent to the west of the property is a partially vacated right of way of varying width that is presently improved along the northern boundary of the property to the extent necessary to provide access to Off Broadway Industrial Park from Geneva Drive/CR426. (Note: at the time this document was drafted the vacate process for portion of Harrison Avenue and 6<sup>th</sup> Street had not yet been completed.)

### **GENERAL INFORMATION**

The property is the part of the Allen's Addition to Washington Heights Plat. It consists of an entire block of 20 platted lots that have never been improved and portions of adjacent vacated rights of way. The bulk of the surrounding rights of way were also never improved.

### **ACREAGE**

The property consists of 3.48 acres, which is a combination of the 20 platted lots referenced above with the remainder being the vacated ½ right of way of Harrison Avenue to the south and portions of 6<sup>th</sup> Street that were vacated to the east. (At the time this document was prepared, the vacate hearing had not been completed.)

## **CURRENT USE, ZONING and LAND USE**

The property is currently vacant and unimproved. The roadways that surround it on all four sides are unimproved with the exception of that portion of 6<sup>th</sup> Street that was improved to facilitate development of Off Broadway industrial Park to the east. Even though the property is zoned R-1, which has a minimum lot size of 8,400 square feet and a minimum lot width of 70', the plat has lots that are typically 5,250 square feet and 50' wide, which would be more appropriate in an R1-BB zoning district. Although the current Land Use is LDR, the platted lot sizes are inconsistent. The lowest intensity compatible land use would be MDR.

## **DEVELOPMENT TRENDS**

To the immediate north and west of the subject property are portions of the Washington Heights subdivision that are only partially developed. Although a few new homes were constructed during the past decade, the continued lack of use of the subject property and the relative surplus use of undeveloped parcels in the platted blocks immediately west and north of the subject make it evident the property is no longer viable for housing development. To the immediate east and northeast of the property there has been consistent and continued development during the past several years of industrial projects such as Off Broadway Industrial Park (8 lots), Winter Miles Industrial Park (47,500 square feet) and the Hayman safe company and Hayman Warehouses (18,088 square feet). Recent transactions, entitlement activities and construction make it clear that this area is rapidly depleting its available industrial land inventory.

## **PROPOSED USE**

The property is intended to be developed for light industrial uses to accommodate the future growth of Superior Fence & Rail, Inc. and Superior Access Control, Inc., which are presently based adjacent to the east in a 10,800 square foot building in Off Broadway Industrial Park. The site will, along with the existing facility, serve as the main offices, inventory storage, and assembly areas for Superior Fence and its satellite operations, which are presently in Rockledge, Leesburg, Winter Haven and Winter Garden. Superior Access Control, Inc. will continue to be based at the facility. Eventually, the project may also serve as the primary offices for Superior Dock Builder's, Inc., which is presently based in Leesburg.

## **RELATIONSHIP TO THE GOALS, OBJECTIVES AND POLICIES OF THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN**

### **Introduction:**

As the proposed SSFLUA and rezone deal primarily with issues relating to the Future Land Use Element of the Comprehensive Plan, the relationship of the proposal to the applicable goals, objectives and policies of that element will be covered first, followed by the relationship to the

Economic Element. The Comprehensive Plan language will be outlined in standard type, and the analysis of consistency will be italicized.

## **APPLICABLE FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES**

*There are two goals of the FLU element that are most applicable as follows:*

- Creation of favorable economic conditions
- Maintenance of established residential neighborhoods

*The purpose of the proposed SSFLUA and rezone is to provide for the continued growth of a successful Seminole County based business and provide the resultant employment opportunities to the citizens of Seminole County. The application also complies with the specific FLU Policies outlined herein below that provide for the maintenance of the residential neighborhood.*

### **OBJECTIVE FLU 2 PROTECTION OF RESIDENTIAL NEIGHBORHOODS**

#### **Policy FLU 2.1 Subdivision Standards**

The County shall maintain the viability of established and future residential neighborhoods by continuing to enforce Land Development Code provisions relating to:

Development within flood prone areas;  
Building setbacks and heights;  
Roadway buffers;  
Landscaping;  
Tree preservation;  
Signage;  
On-site traffic circulation and parking;  
Drainage and storm water management;  
Fences, walls and entrance features; and  
Maintenance and use of common open space areas through homeowners associations.

*The proposed preliminary master plan will comply with all aspects of the Seminole County Land Development Code, including the above stated provisions, as permitted by the Planned Commercial Development zoning designation.*

#### **POLICY FLU 2.2 REGULATION OF ACTIVE USES**

The County shall continue to enforce Land Development Code standards relating to active uses such as parking, loading, refuse containers, signs, lights, balconies, and storage areas to minimize impacts upon and intrusion into residential areas.

*The Master PCD plan complies with Sec. 30.1232. Active/passive buffer setback design standards of the Seminole County Land Development Code.*

## **POLICY FLU 2.5 TRANSITIONAL LAND USES**

The County shall evaluate Plan amendments to ensure transitional land uses are provided as a buffer between residential and nonresidential land uses, between varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. Exhibit FLU: Appropriate Transitional land Uses is to be used in determining appropriate transitional uses.

*The Appropriate Transitional Land Uses table does not specifically have Planned Development Land Use but the accompanying text is specific:*

This table is to be used as a general guide in evaluation compatibility between proposed and adjacent uses. A transitional land use which functions as: (1) a transition through space by a gradual increase in development intensity between land uses

*Do the lack of appropriate infrastructure; whose installation costs may exceed the resultant lot values, the subject property is no longer economically viable for residential use. The proposed uses are those of the M-1A Very Light Industrial District, a less intensive district than M-1 Industrial District, which is the zoning of the properties to the east and northeast, providing a gradual increase in intensity from R-1 to M-1A to M-1 as provided for by the policy as well as providing for redevelopment. Due to the forgoing it is clear the SSFLUA application and concurrent rezone to PCD satisfy Policy FLU 2.5*

## **POLICY FLU 2.7 Location of Industrial Uses**

The County shall ensure that future Plan amendments to industrial uses adjacent to or in close proximity to residential areas shall be light industrial uses only to protect residences from the adverse impacts of smoke, fumes, vibrations, light, glare, odor, and noise.

*The proposed uses of the M1-A Very Light Industrial District are in compliance with this policy.*

## **POLICY FLU 2.11 Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications**

The County shall consider uses or structures proposed within the Planned Unit Development (PUD) and Planned Commercial Development (PCD) zoning classifications on a case-by-case basis evaluating the compatibility of the proposed use or structure with surrounding neighborhoods and uses. Compatibility may be achieved by application of development standards such as, but not limited to, lot size, setbacks, buffering, landscaping, hours of operation, lighting, and building heights. The Board of County Commissioners shall have discretion as to the uses and structures approved with a PUD or PCD zoning classification.

*The Preliminary Master Plan is included in this concurrent SSFLUA and rezoning request to demonstrate buffering, setbacks, density, and ensure compatibility with adjacent uses. Specific development standards will be established in the Final Master Plan to achieve compatibility with surrounding development.*

## **OBJECTIVE FLU 6 PUBLIC FACILITIES AND SERVICES**

The County shall require that all development be consistent with the approved Capital Improvements Element or facility and service plans in order to discourage urban sprawl, meet adopted level of service standards and thereby minimize attendant public costs through the implementation of the following policies:

**Policy FLU 6.1      Development Orders, Permits and Agreements**

The County shall ensure that all development orders, permits and agreements are consistent with the adopted level of service standards and provisions of the Capital Improvements Element and the appropriate facility element as well as all other provisions of this Plan.

*A Development Order that outlines the future development parameters of the site and developer obligations will be drafted between the property owner and Seminole County to implement the proposed PCD zoning.*

**Policy FLU 6.2      Concurrency Requirements**

The County shall ensure that all development orders, permits and agreements are subject to the adopted Concurrency Management System standards and provisions to ensure that facilities and services needed to serve the development are available at the adopted level of service consistent with the Implementation Element of this Plan.

*A Concurrency Deferral Affidavit was filed with the SSFLUA and rezone application. Any impact issues will be addressed in the Development Order.*

**Policy FLU 6.3      Infrastructure and Phasing Requirements**

The County shall require that all development provide services and facilities or phase the development as a condition of approval if development needs precede adopted service and facility plans and Capital Improvements Program and adopted levels of service can be maintained.

**Policy FLU 6.4      Priority for Water and Sewer Services**

The County shall evaluate the impact on delivering adequate service to residents within the established service area prior to the expansion of potable water or sewer service area outside the adopted service area boundaries. The County will not expand a service area if the adopted level of service cannot be maintained.

*Development of the site will comply with the services and facilities requirements.*

**Policy FLU 6.5      Private Investment Above Land Development Code Regulations**

The County shall require private investment in infrastructure improvements above and beyond Land Development Code requirements (e.g., feeder roads, aerial fire apparatus, right-of-way, signalization, access improvements, transit facilities, storm water, etc.) where improvements are

needed to accommodate the development and to minimize attendant public costs associated with growth.

*The developer will comply with this policy and address these issues as necessary in the Development Order with the County.*

## **DEFINITIONS OF FUTURE LAND USE DESIGNATIONS**

### **PLANNED DEVELOPMENT LAND USE AND PURPOSE**

This land use provides for a variety of land uses and intensities within a development site to preserve conservation areas above and beyond land development code requirements reduce public investment in provision of services, to encourage flexible and creative site design and provide sites for schools, recreation and other public facilities which provide benefit to the community.

PUD (Planned Unit Development) and PCD (Planned Commercial Development) zonings within the Planned Development Land use designation must be accompanied by a site/master plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting and building heights, to ensure compatibility with adjacent uses.

*A PCD rezoning application and a Master Plan application are being submitted concurrent with this SSFLUA application. The Master Plan addresses the aforementioned concerns and, therefore, complies with the Seminole County Land Development Code.*

## **APPLICABLE ECONOMIC ELEMENT GOALS, OBJECTIVES AND POLICIES**

### **OBJECTIVE ECM 3                      CONTINUE TO SHIFT PROPERTY TAX DEPENDENCE FROM RESIDENTIAL TO NON-RESIDENTIAL PROPERTIES**

#### **POLICY ECM 3.1                      Tax Base Shift**

The County shall continue to take actions to increase the non residential tax base and reduce dependency on homeowners for local revenues by implementing economic strategies.

*and*

#### **POLICY ECM 3.2    Balance of Residential and Employment Opportunities**

The County shall continue to monitor the balance of residential and employment opportunities in order to maintain equilibrium between the tax bases.

*This SSFLUA will add 38,500 square feet of office and light industrial space in an area that has remained undeveloped since it was platted in 1923.*

## **OBJECTIVE ECM 4 TARGET AREAS, INDUSTRIES AND OCCUPATIONS**

#### **POLICY ECM 4.4 Target Occupations**

The County shall continue to diversify its tax base by promoting advanced technology industries which provide quality occupations and above average wages for its residents.

*Superior Fence and Rail, Inc., and its associated companies had an average 2006 wage base of \$40,000 per employee. In 2007, 29 of 45 employees were based at its main 10,800 square foot location in Off Broadway Industrial Park adjacent to the subject site. The growth opportunities provided by an additional 38,500 square feet will substantially increase such employment opportunities.*

#### **OBJECTIVE ECM 6 SUPPORT SMALL BUSINESS AND EXISTING BUSINESS AND TOURISM**

The County shall create an economic environment that promotes the formation and expansion of small businesses which provide diverse job opportunities and help to define the image of Seminole County and the region.

*The SSFLUA will provide expansion opportunities to an existing small business that has grown from 3 to 45 employees between 2002 and 2008. The severe shortage of appropriately zoned property in southeast Seminole County would likely force a relocation of company headquarters in the absence of this application.*

#### **JUSTIFICATION STATEMENT – SSFLUA AND REZONING**

The subject property is best suited for very light industrial due to its location and surrounding land use patterns. Amending the future land use designation from low density residential to planned development with a rezoning to planned commercial development will permit diversification of the tax base and expansion of employment opportunities while providing an improved transition of land uses with sufficient protections to surrounding residential uses.

#### **CONCLUSION**

The requested SSFLUA and zoning amendments are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. The County has a desire to “promote the formation and expansion of small businesses” and at the same time “provide for the maintenance of the residential neighborhood.” The market area surrounding the subject property has a demonstrated demand for the light industrial uses of the type proposed. As stated elsewhere in this report, the subject property is believed to be best suited for very light industrial use.

## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On August 12, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

### **FINDINGS OF FACT**

**Property Owner:** Stillwater Properties of Central Florida  
Michael Sergi  
1320 Old Mims Rd.  
Geneva, FL 32732

**Project Name:** Johnson Warehouse

#### **Requested Development Approval:**

Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development).

The Board of County Commissioners has determined that the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development).

After fully considering staff analysis titled "Johnson Warehouse" and all evidence submitted at the public hearing on August 12, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

### **ORDER**

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:  
The aforementioned application for development approval is DENIED.  
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Brenda Carey, Chairman



## EXHIBIT A

### LEGAL DESCRIPTION

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**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
JUNE 4, 2008**

**Members present:** Matthew Brown, Dudley Bates, Walt Eismann, Kim Day and Melanie Chase.

**Members absent:** Ben Tucker and Rob Wolf.

**Also present:** Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner, Lee Shaffer, Principal Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Commission.

**E. Johnson Warehouse PCD Rezone; Jack Reynolds, applicant;** 3 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and Rezone from R-1 (Single Family Dwelling) to PCD (Planned Commercial Development) Warehouse located on the west side of the intersection of Kennedy Point and 6th Street. (Z2007-86 / 03-08SS.01)

Commissioner McLean – District 2  
Ian Sikonia, Senior Planner

Ian Sikonia stated that the Applicant is Jack Reynolds and this is a request for a Small Scale Land Use Amendment from Low Density Residential to Planned Development and rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) on 3 ± acres, located on the west side of the intersection of Kennedy Point and 6<sup>th</sup> Street.

Mr. Sikonia further stated that the Applicant is making this request in order to develop a 38,500 square foot manufacturing warehouse. The requested rezone will allow all permitted uses in the M-1A zoning district with the allowance of outdoor storage properly screened from view. The Applicant was granted a right-of-way vacation for a portion of 6<sup>th</sup> Street and Avenue C at the May 20, 2008 Board of County Commissioner hearing.

Mr. Sikonia advised that this project is located in an area which has a mixture of single-family home subdivisions and industrial parks, and was designed to minimize the impacts to the neighborhood to the west by establishing significant buffers, orienting the building away from the neighborhood and utilizing some LEED environmental commitments.

He further stated that the area on the south side of CR 426 is a mixture of single-family homes and developed and vacant industrial sites. The industrial zoning to the east of this site was approved in 1989 and has developed into the Off Broadway Industrial

Park. The subject property is a transitional parcel between the Low Density Residential FLU to the north and west and the Industrial FLU to the east.

It is sometimes difficult for industrial sites to be compatible with surrounding single family subdivisions due to the intensity of the development; however, it is possible with sensitive site design standards. The Applicant is proposing numerous enhancements to mitigate the impact of the development, such as establishing significant buffers with additional landscaping, orienting the building away from the residential neighborhood and utilizing some LEED environmental commitments.

Mr. Sikonia further stated that the Applicant has positioned the warehouse building so that it faces the existing industrial park and the only access is through the existing industrial park entrance road. The building will be buffered from the single-family neighborhood by a minimum 25' buffer containing 4 canopy trees and 8 understory trees per 100 linear feet and a large retention pond to the north. The west side of the building will remain passive and the 25' buffer will include a 6-foot tall PVC fence with 8 canopy trees per 100 linear feet. They are also providing parking space for hybrid cars, energy efficient mechanical equipment with the highest SEER rating, building insulation will have maximum R-value, all glazing will be tinted and they are also providing a bike rack.

This site will create an additional employment center for an area which has been established as an industrial park. The proposed use of this site allows for a mixture of compatible low density residential and non residential uses in the area.

Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area and therefore recommends approval of the request.

David Axel of Axel Real Estate advised that he represents the current property owners and the potential future property owner. Mr. Axel further advised that he agrees with Staff's recommendation.

No one spoke in favor of this item from the audience.

Steven Wagner of 377 Sugar Sand Lane advised that he lives just north of the subject property and would like to speak in opposition of this request. Mr. Wagner further advised that he brought a couple of pictures to show the Commission and will discuss them with the Commission as soon as the computer opens them.

Mr. Wagner stated that up until this point, he had not been totally against this request given the fact that the Mr. Reynolds and Mr. Axel met with him and several of his neighbors and they felt that the Applicants seemed very attentive to their needs or at least the needs they have so far.

Mr. Wagner stated that he felt this was a matter of equal rights of property owners. The property owner in question has twelve times the amount of property that he has, but shouldn't have anymore rights than he does.

Mr. Wagner further stated that he understands what the Applicant wants to do but he believes the voices of the many property owners should be taken into consideration. He also stated that many of his neighbors have lived there for over 30 years. He moved into this neighborhood about 5 years ago and all the development that shows on the map has occurred in the last 5 years.

Mr. Wagner also stated that this construction will be right outside his window. He explained that he took a picture of a 2 x 4 and held it up where the proposed construction would be to show how close it is to his property and how big the project would be.

Mr. Wagner advised that he opposes this request and would ask the Commission to at least postpone this item or decide today to deny the request to rezone.

Commissioner Brown asked Mr. Wagner what he would like to see changed if the item was approved today.

Mr. Wagner stated that he opposes the line of sight or the height of the building, the facade of the building and would like to see the size of the facility reduced.

Michael Russell of 399 Sugar Sand Lane stated that he is the gentleman who wrote the letter that Mr. Sikonia passed out prior to the meeting. Mr. Russell further stated that he invested a lot of money on his house and was not expecting to have this type of building constructed in his neighborhood along with all the noise, trucks, and excess light coming from the proposed building.

Mr. Russell also stated that 6<sup>th</sup> Street, which is a block away from him, is industrial and yet they are proposing to build this on a residential block right down the street from him. Mr. Russell expressed his opposition to this project.

Commissioner Brown asked Mr. Russell to show him where his home is located on the map and Mr. Russell pointed it out and advised that his home runs parallel to 6<sup>th</sup> Street.

Mr. Russell stated that he does not believe the trend for this area is industrial and he believes that the owners want it to be industrial. He further stated that this is where he wants to make a life for himself and his family and opposes this request.

Mr. Axel stated that in designing this project, they tried to anticipate the concerns of the neighbors and be sensitive from a design prospective, to the concerns of what the neighbors would see that they weren't expecting.

Mr. Axel also stated that, after meeting with Mr. Wagner and his neighbors, they got with Staff and committed to adding additional buffers, including a double row of trees and additional landscaping, and to keep the building as far away from the residents as possible who would be most affected. Mr. Axel further stated that they have met all the requirements set by the County, but would be willing to make additional commitments to try to diminish some of the concerns of the neighbors but did not feel they would be able to totally eliminate all of the neighbors' concerns.

Commissioner Brown asked if there would be 60 feet behind the building.

Mr. Sikonia stated that the west side of the building will be passive and they are providing a 25 foot buffer and a 40 foot building setback.

Commissioner Brown asked if the passive buffer is 40 feet, not 50 feet.

Tina Williamson advised that the passive buffer is required to be 25 feet.

Commissioner Brown asked if the setback is only 25 feet.

Mrs. Williamson advised that the setback is 25 feet and the actual buffer is 15 feet and they are proposing to do the 40 foot building setback with a 25 foot buffer.

Commissioner Brown stated that the landfill is still located in that area and it is probably 40 or 50 feet high.

Commissioner Eismann asked if the original future land use on this property was low density residential.

Alison Stettner advised that it was.

General discussion ensued regarding the current trend of this area and how it differed from the agenda item that was heard at last month's meeting.

Mr. Sikonia advised that Mr. Wagner's photographs came up on the computer and the Commission discussed the pictures.

Commissioner Bates stated that Mr. Axel said that this issue was going to the Board of County Commissioners sometime in July.

Mrs. Stettner advised that they have a tentative date of July 22.

Commissioner Bates also stated that Mr. Axel advised that there were still opportunities for them to make some additional concessions prior to this item going to the Board of County Commissioners and wanted to know if continuing this item to the July 9 agenda would be enough time for them to make these concessions or commitments and then come back on July 9 to see if the concerns have been addressed.

Commissioner Bates asked if they did move this item to July 9, would there still be enough time for this item to get on the July 22 Board of County Commissioner meeting.

Mrs. Stettner advised that if the Commission would like to do this, Staff would make it happen.

General discussion ensued regarding the possible changes that could be made and the fact that, according to the proposed commitments the Applicants have already made, there really aren't any other opportunities for additional changes to issues or concerns regarding building height, landscaping, or buffers.

Commissioner Brown asked if the order discussed door spacing and fire exits.

Mrs. Williamson stated that the west side would remain passive.

Commissioner Brown asked if under "passive", there would still be emergency exits.

Mrs. Williamson advised that there would be.

General discussion ensued regarding the possibility of bringing this item back to the July 9 meeting.

Commissioner Day asked if it was mentioned that all the truck traffic be limited to 6<sup>th</sup> Street.

Mrs. Williamson advised that the only access point to the property will be from 6<sup>th</sup> Street, which is the existing entrance to the Industrial Park.

General discussion ensued regarding the rights of both parties and how the buffer requirements are designed to protect all parties involved.

Commissioner Day asked if there was a limitation regarding the hours of operation included in the commitments.

Mr. Sikonia stated that the Development Order does not address hours of operation, but if the Board wishes, it can be added.

Commissioner Day stated that she felt the Applicants have done everything possible, with the exception of the hours of operation, to insure that the surrounding residents would not hear the sound of trucks at inappropriate hours.

Commissioner Brown asked what would be an appropriate limitation on hours and inquired if 6 A.M. to 10 P.M. reasonable.

Commissioner Day stated that she felt it should not be 10 P.M., but should be earlier than that – somewhere around 8 P.M. She further stated that anything later than 8 P.M. would not be reasonable.

**Commissioner Eismann made a motion to recommend approval of this request with the stipulation to limit the hours of operation from 6 A.M. to 8 P.M.**

**Commissioner Day seconded the motion.**

**The motion passed unanimously 5 – 0.**

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 20<sup>TH</sup> DAY OF MAY A.D., 2008.

**RESOLUTION TO VACATE AND ABANDON A  
RIGHT-OF-WAY**

Whereas, a Petition was presented on behalf of  
STILLWATERS PROPERTIES OF CENTRAL FLA

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described rights-of-ways, to-wit:

That portion of 6<sup>th</sup> Street lying between Allen's First Addition To Washington Heights, as recorded in Plat Book 3, Page 23, and Off Broadway Industrial Park, recorded in Plat Book 63, Pages 67 and 68, that portion of Avenue C, lying south of and adjacent to Lots 10 and 11, Block 10, Allen's First Addition To Washington Heights, as recorded in Plat Book 3, Page 23, and the 10 feet additional right-of-way as recorded in ORB. 5074, Page 1848 and ORB. 1493, Page 1617, Public Records of Seminole County, Florida; containing 48,202 square feet, more or less. *As Per Exhibit "A" attached hereto*

**SUBJECT TO:**


Dedication to the City of Oviedo a utility easement over the existing utility services located on the east side of Sixth Street and over the Avenue C right-of-way entirely. *As Per Exhibit "B" attached hereto*

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described right-of-way is to the best interest of the county and the public.

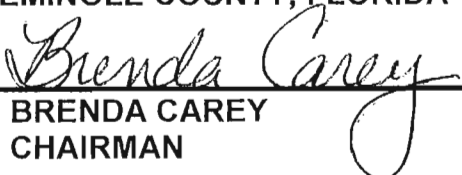
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described Right-of-way be, and the same is hereby abandoned, closed and vacated, and that all right in and to the same on behalf of the County and the public be, and the same is hereby disclaimed.

PASSED AND ADOPTED this 20<sup>th</sup> day of May A.D., 2008.

ATTEST:

  
MARYANNE MORSE  
CLERK OF THE CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA  
BY:

  
BRENDA CAREY  
CHAIRMAN



SKETCH OF DESCRIPTION  
Exhibit "A"

LEGAL DESCRIPTION  
(PROPOSED RIGHT OF WAY VACATE)

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, AND THAT PORTION OF AVENUE C, LYING SOUTH OF AND CONTIGUOUS TO LOTS 10 AND 11, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, BOTH BEING RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 20, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S00°05'48"W ALONG THE EAST LINE OF LOTS 11 THROUGH 20, BLOCK 10 AND THE WEST RIGHT OF WAY LINE OF 6TH STREET OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 506.71 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 11, BLOCK 10; THENCE N89°35'56"W, ALONG THE SOUTH LINE OF LOTS 10 AND 11, BLOCK 10 AND THE NORTH RIGHT OF WAY LINE OF AVENUE C OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 210.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 10; THENCE S00°05'59"W, A DISTANCE OF 20.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AFORESAID AVENUE C; THENCE S89°35'56"E, ALONG THE SOUTH LINE OF SAID AVENUE C AND IT'S EASTERLY EXTENSION THEREOF, A DISTANCE OF 316.27 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 5, OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N00°03'08"E, ALONG THE WEST LINE OF SAID LOT 5 AND THE EAST RIGHT OF WAY LINE OF 6TH STREET, A DISTANCE OF 347.14 FEET; THENCE N89°54'12"W, A DISTANCE OF 66.00 FEET TO A POINT ON A LINE 56.00 FEET WEST OF THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE N00°03'08"E, ALONG A LINE 56.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 180.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 20, BLOCK 10; THENCE N89°42'54"W, ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 39.86 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

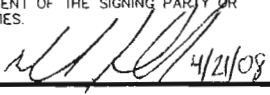
CONTAINING 48,202 SQUARE FEET, MORE OR LESS.

THIS SURVEY CERTIFIED TO:  
CITY OF OVIEDO  
SUPERIOR FENCE AND RAIL  
LEGAL DESCRIPTION WAS WRITTEN BY THIS  
SURVEYOR AT CLIENT REQUEST

INFORMATION SHOWN HEREON IS BASED ON THE  
BOUNDARY & TOPOGRAPHIC SURVEY PERFORMED  
BY BOWYER-SINGLETON & ASSOCIATES, INC.,  
PROJECT #SFR-J1, DATED 7-25-07.

SEE SHEET 2 FOR SKETCH  
OF DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.   MICHAEL W. SOLITRO, PSM #4458 FOR THE FIRM OF ALTAMONTE SURVEYING AND PLATTING, INC. #LB 6300	SCALE: 1"=80'	<b>LEGEND</b> ■ = RECOVERED 4"x4" CONCRETE MONUMENT NO# ▲ = RECOVERED NAIL & DISK # X = RECOVERED X CUT IN CONCRETE ○ = RECOVERED 1/2" IRON ROD # ⊙ = RECOVERED 1/2" IRON ROD NO # ⊗ = RECOVERED 5/8" IRON ROD NO # ● = SET 1/2" IRON ROD #LB 6300 □ = POWER POLE AS SHOWN —○— = CHAIN LINK FENCE AS SHOWN ▣ = CONCRETE SLAB AS SHOWN	D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS, R/W = RIGHT OF WAY, A/C = AIR CONDITIONER, (R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT, (M) = MEASURED, (C) CALCULATED, (D) = DEED, POB = POINT OF BEGINNING, CONC. = CONCRETE, POC = POINT OF COMMENCEMENT, POL = POINT ON LINE  THIS SKETCH IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.
	REVIEWED BY: MWS		
	DRAWN BY: LJG		
	DATE: 12/20/07		
	JOB No.: 9810137		
	REVISED: 4/10/08		

**ALTAMONTE SURVEYING**  
AND PLATTING, INC.


435 DOUGLAS AVE. SUITE 1505F  
ALTAMONTE SPRINGS, FL 32714  
PHONE: (407) 862-7555  
FAX: (407) 862-6229

C:\CAD\2000\6TH STREET SKETCH.DWG

S



THIS IS NOT A BOUNDARY SURVEY

SCALE: 1"=80'	<p align="center"><b>LEGEND</b></p> <p>■ = RECOVERED 4"x4" CONCRETE MONUMENT NO#</p> <p>▲ = RECOVERED NAIL &amp; DISK #</p> <p>× = RECOVERED X CUT IN CONCRETE</p> <p>⊙ = RECOVERED 1/2" IRON ROD #</p> <p>○ = RECOVERED 1/2" IRON ROD NO #</p> <p>⊗ = RECOVERED 5/8" IRON ROD NO #</p> <p>● = SET 1/2" IRON ROD #LB 6300</p> <p>⊕ = POWER POLE AS SHOWN</p> <p>—□— = WOOD FENCE AS SHOWN</p> <p>—○— = CHAIN LINK FENCE AS SHOWN</p> <p> = CONCRETE SLAB AS SHOWN</p>	<p>D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS,  R/W = RIGHT OF WAY, A/C = AIR CONDITIONER,  (R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT,  (M) = MEASURED, (C) CALCULATED, (D) = DEED,  POB = POINT OF BEGINNING, CONC. = CONCRETE,  POC = POINT OF COMMENCEMENT, POL = POINT ON  LINE</p>
REVIEWED BY: MWS		<p>THIS SKETCH IS CERTIFIED TO AND PREPARED FOR THE  SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR  INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY  ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.</p> <p>UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS  WERE NOT LOCATED AS PART OF THIS SURVEY. LAND  SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF  WAYS AND/OR EASEMENTS OF PUBLIC RECORD.</p>
DRAWN BY: LJG		
DATE: 12/20/07		
JOB No.: 9810137		
REVISED: 4/10/08		

SEE SHEET 1 FOR LEGAL  
DESCRIPTION

INFORMATION SHOWN HEREON IS  
BASED ON THE BOUNDARY &  
TOPOGRAPHIC SURVEY PERFORMED  
BY BOWYER-SINGLETON &  
ASSOCIATES, INC., PROJECT  
#SFR-J1, DATED 7-25-07.

**ALTAMONTE SURVEYING**  
**AND PLATTING, INC.**

MARYANNE MORSE, CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY  
BK 07019 Pgs 1163 - 1166; (4pgs)  
CLERK'S # 2008074212  
RECORDED 06/26/2008 12:44:36 PM  
DEED DOC TAX 0.70  
RECORDING FEES 35.50  
RECORDED BY T Smith

This instrument prepared by:  
MARGARET A. WHARTON  
Margaret A. Wharton, P.A.  
P. O. Box 621172  
Oviedo, Florida 32762-1172

Exhibit "B"

### UTILITY EASEMENT

THIS UTILITY EASEMENT is made this 19th day of May 2008 by and between STILLWATER PROPERTIES OF CENTRAL FLORIDA, LLC, a Florida limited liability company whose address is 1320 Old Mims Road, Geneva, Florida 32732 and VI-CON Development Group, LLC, a Florida limited liability company whose address is 1705 Kennedy Point, Oviedo, Florida 32765, hereinafter referred to as the GRANTOR, and the CITY OF OVIEDO, a public body existing under Chapter 373, Florida Statutes, whose address is 400 Alexandria Boulevard, Oviedo, Florida 32765, hereinafter referred to as the GRANTEE.

### WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) together with other good and valuable consideration, in hand paid to GRANTOR by GRANTEE, the receipt whereof is hereby acknowledged, GRANTOR does hereby give, grant, bargain, and sell unto the GRANTEE, its successors and assigns, a Utility Easement to construct City utility facilities, all rights to include, but not limited to, the perpetual right to enter upon said Easement Parcel at any time that it may seem fit, to construct, lay, reconstruct, operate, maintain, modify, and/or repair utility lines thereto for the purpose of operating and supplying City utility services over, through, and under that certain parcel or tract of real estate situated in the County of Seminole, State of Florida, more particularly described as follows:

As Per Exhibit "A" attached hereto

Parcel ID 11-21-31-506-0000-0050 and 11-21-31-508-1000-0010

THE GRANTEE and its assigns shall have the right to excavate, patrol, alter, improve, permit, repair, construct, maintain, or remove utility lines including the rights and privileges reasonably necessary or convenient for the purpose of providing City utility services; and the further right to trim, cut, remove trees, bushes, undergrowth, pavement, curbs, and other obstructions interfering with the location, construction, and/or maintenance of utility lines thereto located within the Easement Parcel. The GRANTOR further grants the reasonable right to enter upon adjoining lands of the GRANTOR for the purpose of exercising the rights herein granted; and the GRANTOR agrees not to build, construct, or create or permit others to build, construct, or create any buildings or other structures in said Easement Parcel that may interfere with the location, excavation, operation, or maintenance of the utility system installed thereon; and

THE GRANTOR does hereby covenant with the GRANTEE that it is lawfully seized and possessed of the real estate herein described, that it has good and lawful right to convey the said Easement, and that it is free from all encumbrances.

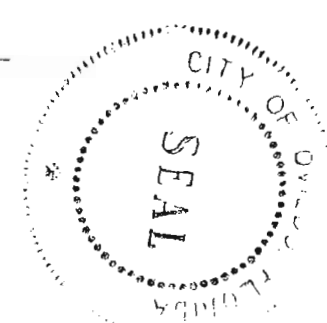
IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of Witnesses:

*M.A. Wharton*  
Witness  
M.A. WHARTON  
Printed Name

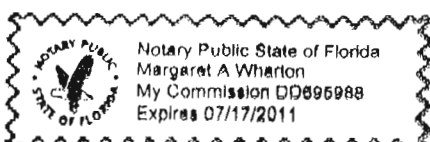
*Michael J. Sergi*  
Michael J. Sergi, Manager

*David E. Axel*  
Witness  
DAVID E. AXEL  
Printed Name

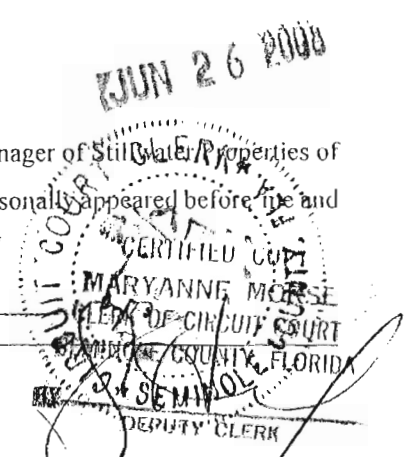


STATE OF FLORIDA  
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged this 19 day of June, 2008, by Michael J. Sergi, as Manager of Stillwater Properties of Central Florida, LLC, a Florida limited liability company, who is personally known to me and who personally appeared before me and acknowledged that he/she signed the instrument voluntarily for the purpose expressed in it.



Signature of Notary Public, State of Florida



[Signature]  
Witness

Ian Sowers  
Printed Name

[Signature]  
Witness  
Nichelle Herbst  
Printed Name

[Signature]  
Christopher L. Johnson, Manager

STATE OF FLORIDA  
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged this 19 day of June, 2008, by Christopher L. Johnson, as Manager of VI-CON Development, LLC, a Florida limited liability company, who is personally known to me and who personally appeared before me and acknowledged that he/she signed the instrument voluntarily for the purpose expressed in it.

[Signature]  
Signature of Notary Public, State of Florida


Print, Type, or Stamp Commissioned **CAROL JOHNSON** Public  
 Comm# D00832842  
Expires 1/24/2011  
Florida Notary Assn., Inc.

EXHIBIT "A"

THE SOUTH 20.00 FEET AND THE EAST 20.00 FEET OF THE SOUTH 347.14 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, AND THAT PORTION OF AVENUE C, LYING SOUTH OF AND CONTIGUOUS TO LOTS 10 AND 11, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, BOTH BEING RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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EXHIBIT "A"  
PAGE 2

BLOCK 7

5th STREET (40'R/W PER PLAT)  
(UNIMPROVED)

AVENUE B (40'R/W PER PLAT)

BLOCK 10, ALLEN'S FIRST ADDITION  
TO WASHINGTON HEIGHTS PER  
PG 5, PG 23

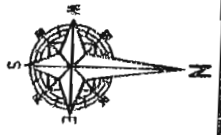
VACATED 6th STREET (40'R/W PER PLAT)

6TH STREET

EXIST. 6' FORCE MAIN  
OWNED BY CITY OF OVIEDO

UTILITY EASEMENT FOR THE CITY OF OVIEDO

KENNEDY POINT



6TH STREET AND HARRISON STREET  
UTILITY EASEMENT  
6TH STREET AND KENNEDY POINT  
OVIEDO, FLORIDA

JHR CONSULTANTS, INC.  
470 WEST ALABAMA STREET, SUITE 200  
ALABAMA CITY, ALABAMA 35001  
TELEPHONE: 407-598-0170 FAX: 407-598-0170  
E-MAIL: jhr@jhrconsultants.com

DATE	11/11/05
DRAWN	JHR
CHECKED	JHR
APPROVED	JHR
DATE	11/11/05
BY	JHR
FOR	JHR
DATE	11/11/05
BY	JHR
FOR	JHR

# Orlando Sentinel

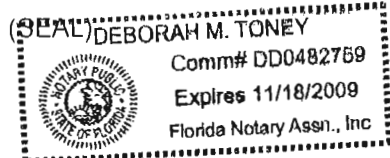
Published Daily

State of Florida } S.S.  
COUNTY OF ORANGE

Before the undersigned authority personally appeared Beverly C. Simmons, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Altamonte Springs in Seminole County, Florida; that the attached copy of advertisement, being a Public Hearing in the matter of MAY 20 In the Seminole Court, was published in said newspaper in the issue; of 05/04/08

Affiant further says that the said Orlando Sentinel is a newspaper published at Altamonte Springs, in said Seminole County, Florida, and that the said newspaper has heretofore been continuously published in said Seminole County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Altamonte Springs in said Seminole County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 6TH day of May, 2008, by Beverly C. Simmons, who is personally known to me and who did take an oath.



Order# 710870

BK 360 PG 1950

MAY 12 2008

DEVELOPMENT REVIEW

ORLANDO SENTINEL  
LEGAL AD

NOTICE OF PROCEEDINGS FOR VACATING, CLOSING AND ABANDONING THE PUBLIC RIGHTS-OF-WAYS OF SIXTH STREET & AVENUE C FOR STILLWATERS PROPERTIES OF CENTRAL FLA

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Seminole County, Florida at 1:30 p.m., or as soon thereafter as possible, on the 20TH day of MAY, 2008, in the County Commissioners' Chambers (Room 1028) of the County Services Building, 1101 E First St., Sanford, Florida, will hold a public hearing to consider and determine whether or not the County will vacate the following public Rights-of-ways:

(PROPOSED RIGHT OF WAY VACATE)

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, AND THAT PORTION OF AVENUE C, LYING SOUTH OF AND CONTIGUOUS TO LOTS 10 AND 11, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, BOTH BEING RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 20, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S00°05'48"W ALONG THE EAST LINE OF LOTS 11 THROUGH 20, BLOCK 10 AND THE WEST RIGHT OF WAY LINE OF 6TH STREET OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 566.71 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 11, BLOCK 10; THENCE N89°35'56"W, ALONG THE SOUTH LINE OF LOTS 10 AND 11, BLOCK 10 AND THE NORTH RIGHT OF WAY LINE OF AVENUE C OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 210.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 10; THENCE S00°05'48"W, A DISTANCE OF 20.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AFORESAID AVENUE C; THENCE S89°35'56"E, ALONG THE SOUTH LINE OF SAID AVENUE C AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 316.27 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 5, OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N00°03'08"E, ALONG THE WEST LINE OF SAID LOT 5 AND THE EAST RIGHT OF WAY LINE OF 6TH STREET, A DISTANCE OF 347.14 FEET; THENCE N89°34'12"W, A DISTANCE OF 66.00 FEET TO A POINT ON A LINE 56.00 FEET WEST OF THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE N00°03'08"E, ALONG A LINE 56.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 180.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 20, BLOCK 10; THENCE N89°42'54"W, ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 39.86 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 48,202 SQUARE FEET, MORE OR LESS.

Item #44



# Orlando Sentinel

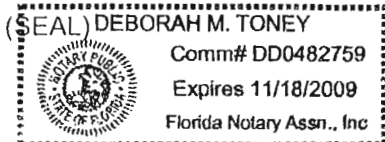
Published Daily

State of Florida } S.S.  
COUNTY OF ORANGE

Before the undersigned authority personally appeared Beverly C. Simmons, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Altamonte Springs in Seminole County, Florida; that the attached copy of advertisement, being a Public Hearing in the matter of ROW-STILLWATERS PROPERTIES OF CENTRAL FLORIDA in the Seminole Court, was published in said newspaper in the issue; of 05/25/08

Affiant further says that the said Orlando Sentinel is a newspaper published at Altamonte Springs, in said Seminole County, Florida, and that the said newspaper has heretofore been continuously published in said Seminole County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Altamonte Springs in said Seminole County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledge before me this 29th day of May, 2008, by Beverly C. Simmons, who is personally known to me and who did take an oath.



Order# 731250

## NOTICE OF RESOLUTION

VACATING, CLOSING AND ABANDONING  
THE PUBLIC RIGHTS-OF-WAYS OF SIXTH  
STREET & AVENUE C FOR STILLWATERS  
PROPERTIES OF CENTRAL FLA

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Seminole County, Florida at its Public Hearing held on the 20th day of May, 2008, pursuant to Notice heretofore given, passed and adopted a Resolution vacating the following:

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, AND THAT PORTION OF AVENUE C, LYING SOUTH OF AND CONTIGUOUS TO LOTS 10 AND 11, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, BOTH BEING RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 20, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE, RUN S00°05'48"W ALONG THE EAST LINE OF LOTS 11 THROUGH 20, BLOCK 10 AND THE WEST RIGHT OF WAY LINE OF 6TH STREET OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 506.71 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 11, BLOCK 10; THENCE N89°25'56"W ALONG THE SOUTH LINE OF LOTS 10 AND 11, BLOCK 10 AND THE NORTH RIGHT OF WAY LINE OF AVENUE C OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 210.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 10; THENCE S00°05'59"W, A DISTANCE OF 20.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AFORESAID AVENUE C; THENCE S89°15'55"E ALONG THE SOUTH LINE OF SAID AVENUE C AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 316.27 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 5, OF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N00°03'08"E ALONG THE WEST LINE OF SAID LOT 5 AND THE EAST RIGHT OF WAY LINE OF 6TH STREET, A DISTANCE OF 347.14 FEET; THENCE N89°54'12"W, A DISTANCE OF 66.00 FEET TO A POINT ON A LINE 56.00 FEET WEST OF THE WEST LINE OF THE SOUTH 1/2 OF THE NORTH-EAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE N00°03'08"E, ALONG A LINE 56.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTH-EAST 1/4 OF SAID SECTION 11, A DISTANCE OF 180.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 20, BLOCK 10; THENCE N89°42'54"W, ALONG SAID EAST-

ERLY EXTENSION, A DISTANCE OF 39.86 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

By the Board of County Commissioners of Seminole County Florida, this 20th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA.

By: Cynthia Sweet  
Seminole County Development  
Review Division  
1101 East First Street  
Sanford, Florida 32771

SLS731250

5/25/08



SEMINOLE COUNTY  
**APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: Christopher Johnson Name: \_\_\_\_\_  
Address: 170 Kennedy Point Address: \_\_\_\_\_  
OU100, FL 32765 (Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

02-27-08  
Date

STATE OF FLORIDA  
COUNTY OF Seminole

Michael J. Sergi MANAGED  
Owner, Agent, Applicant Signature  
Joanne Y. Sergi Manager

Sworn to (or affirmed) and subscribed before me this 27th day of February, 2008 by Michael J. Sergi

Joanne Y. Sergi  
Christina M. Ervin  
Signature of Notary Public

Christina M. Ervin  
Print, Type or Stamp Name of Notary Public



Personally Known X OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM**  
**(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I, Stillwater Properties of Central FL LLC, the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) 11-21-31-508-1000-0010

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map / Official Zoning Map (circle one or more) from LDR/R-1 to P-D/PCD and affirm that Jack Reynolds/AM-erican Civil Engineering is hereby designated to act as my / our authorized agent and to file the attached application for the stated amendment and make binding statements and commitments regarding the amendment request.

MICHAEL J. SERGI  
Owner's Name

Owner's Name

Michael J. Sergi  
Owner's Signature

Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

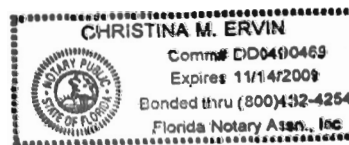
SWORN TO AND SUBSCRIBED before me this 12<sup>th</sup> day of Dec., 2007.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Michael J. Sergi, who is personally known to me or who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 12<sup>th</sup> day of December, 2007.

Christina M. Ervin  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: 11/14/2009



4 June 2008

Michael Russell  
399 Sugar Sand Ln  
Oviedo FL 32765

Planning & Zoning Commission  
Seminole County Services Building  
1101 E First Street  
Sanford, FL 32771

Dear Commissioners,

I am Seminole County resident in District 2. My house is located at 399 Sugar Sand Ln in Oviedo. I purchased my home in June of 2006 because it was located on a large block of residential lots and homes, offering good neighbors and a quiet living environment.

I recently received notice of a rezoning hearing regarding Johnson Warehouse. This hearing concerns the rezoning of an entire block of 20 single family housing lots from R1 to PCD, with the plan development following M1A guidelines. The proposed area is directly down the street from my home, less than 200' to the south, and would eliminate a large chunk of the residential block on which I reside.

I have read through most of the packet regarding the plans and I'm of the opinion the rezoning would present a number of negative effects to myself and the many other homeowners in the area. I understand that there was no objection for the plan while it was at staff level. This is most likely because none of us knew of the plan until we received notice of the zoning hearing. The applicant was kind enough to meet with a few residents on June 3 to discuss his plans. The applicant stressed to me and my fellow homeowners that the June 4<sup>th</sup> meeting was not important and that all that mattered was the July Board of County Commissioners meeting. However, I called Commissioners McLean's office today and his staff told me otherwise, recommending I write and submit this letter at the Planning & Zoning Commission meeting.

If the area is rezoned to M1A, it would allow a wide array of uses that would not be neighborhood friendly to occur on the site. No one wants to have their children playing and growing up around heavy machinery, diesel trucks, and chemicals. In addition, this rezone would certainly negatively affect residential property values in the vicinity and potentially make houses unsellable. Currently the industrial area that is often referenced in the proposal is located on the east side of 6<sup>th</sup> St, just one block away from my house. If the rezone is approved, the industrial area would further encroach into the adjacent residential area and surround our neighborhood on two sides. A statement on page 5 of the Agenda Memorandum reads: "Due to the location of the property, it is unlikely that it would be viable for residential development". The statement is false. The area has seen 3 new homes built in the past 5 years and our neighboring vacant property owners have plans to build homes in the future as well. The property was never developed into homes because the owner did desire to do so, which does not necessarily imply the land is not viable for such development. Also on page 5, the document states: "This site will create an additional employment center for an area which has been established as an industrial

park". I feel any small positive impact provided by the potential few jobs created would be greatly out-weighed by the negative effects the development will have on me and my fellow homeowners.

One of the biggest concerns I have with this project is line of sight from my street and the overwhelming size of the facility. According the plans, the proposed building will be 24 feet high at the eave and extent to a ridge height of approximately 30 feet. At this height, it will dwarf every house around it and be an eyesore for residents. The facility will also potentially have stacks of materials and chemicals outside of the building, which can be seen at the applicant's existing facility adjacent to the site. Being located uphill, the facility could allow materials associated with packaging and assembly to become debris and end up in our residential neighborhood. The facility will add even more noise and light pollution to the ever-growing industrial park. The development will also increase the number and frequency of large delivery vehicles traveling up and down 6<sup>th</sup> St. The area will also invite crime.

I ask that the Board please take my concerns into consideration and recommend to the Board of County Commissioners that the property not be rezone to allow this development. I am certain it is the only way to stop the never-ending encroachment into my neighborhood.

Respectfully,

Michael Russell

cc:  
Commissioner Michael McLean, District 2